THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5359 of 2006

Between:

Hasam Ali … Petitioner

And

The Revenue Divisional Officer,

Vikarabad Division, Ranga Reddy

District and another

…Respondents

ORDER:

Petitioner questions the order passed by the Revenue Divisional Officer, Vikarabad Division, Ranga Reddy District, in file No.C/260/ 2006 dated 4.3.2006 as arbitrary and illegal.

The case of the petitioner is that the Mandal Revenue Officer, Marpally Mandal in file No.B/19/2006 dated 23.1.2006 granted pattedar passbook and tittle deed in favour of the petitioner in respect

of land to an extent of Ac.5.15 in Sy.No.365/A situated at Patloor Village, Marpally Mandal, Ranga Reddy District, and passed mutation orders in the said file. As against the granting of title deed and pattedar pass book in favour of the petitioner, the 2nd respondent filed an appeal under Section 5(5) of the A.P.Rights in Land and Pattedar Pass Books Act, 1971 before the Revenue Divisional Officer, Vikarabad in February, 2006. It is stated that the first respondent issued notice in the said appeal in case No.C/260/2006 on 22.2.2006 calling upon the petitioner to take notice that the case will be taken up for hearing on 4.3.2006 at 11.00 a.m., and the petitioner was informed to appear either in person or through his counsel along with documentary evidence and other evidence, if any, for deciding the matter on the material available on record. It is stated that the petitioner appeared before the first respondent on 4.3.2006 and filed vakalat. But it is the case of the petitioner that without giving any opportunity for filing counter and to produce records on the same day i.e., on 4.3.2006 the first respondent granted interim stay of the proceedings of the Mandal Revenue Officer, Marpally in file No.B/19/2006, dt.23.1.2006 and the case is posted on 18.3.2006.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

As the appeal is pending before the first respondent, I am of the opinion that it is just and proper for the first respondent to decide about the continuance of the said stay order granted by him on the next date of hearing. For any reason if the first respondent is not able to decide about the continuance of the stay order or to vacate the same, the appeal shall itself be disposed of within four weeks from the date of receipt of a copy of this order. If the appeal is not disposed of by the said period, the interim stay granted by the first respondent shall stand cancelled and vacated.

The writ petition is accordingly disposed of. No order as to costs.

(V.ESWARAIAH, J.)

18.3.2006

Note: Issue copy by 20.3.2006

B.O.

kpr